

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

DONTAY BATTLE, et al.,)	
)	Case No.: 3:22-cv-00022
Plaintiffs,)	
v.)	Judge Aleta A. Trauger
)	
STATE OF TENNESSEE, et al.,)	JURY TRIAL DEMANDED
)	
Defendants.)	

MOTION FOR JUDGMENT ON THE PLEADINGS

Pursuant to Rule 12(c) of the Federal Rules of Civil Procedure, Defendants State of Tennessee, Tennessee Department of Mental Health and Substance Abuse Services, and Tennessee Department of Intellectual and Developmental Disabilities request that the Court dismiss all claims in this action for lack of jurisdiction or failure to state a claim. Plaintiffs' ADA claims are barred by the Eleventh Amendment because they fail the three-part test in *United States v. Georgia*, 546 U.S. 151, 159 (2006), which determines whether Congress can abrogate the Eleventh Amendment rights of a state. In addition, Plaintiffs have failed to state a claim upon which relief can be granted under Title II of the ADA and Rehabilitation Act because the services, programs, and activities of private entities are not covered by Title II, because the statute of limitations has expired for some claims, and because Plaintiffs cannot recover any remaining alleged damages under the law. And finally, all claims brought by Disability Rights Tennessee (DRT) on behalf of any unidentified individuals should be dismissed because the Court lacks jurisdiction to hear those claims.

In support of this Motion, Defendants are concurrently filing a Memorandum of Law that sets forth their arguments in greater detail.

For these reasons, the Court should dismiss all ADA claims for lack of jurisdiction, dismiss the remaining ADA and Rehabilitation Act claims for failure to state a claim, and dismiss any additional claims asserted by DRT for lack of standing.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was electronically served on February 23, 2024, via the Court's CM/ECF filing system, upon the following:

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